

Tyler Parham
Appeal Brief
Application No.: 10/712,628
Page 1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/712,628
Appellants : Parham, Tyler
Filed : 11/12/2003
Title : MULTI-PLAYER SECONDARY GAMING METHOD AND
SYSTEM
TC/A.U. : 3714
Examiner : CARLOS, Alvin Leabres
Docket No. : TPARHAM.002US

Mail Stop **Appeal Brief – Patent**
Assistant Commissioner for Patents
Alexandria VA 22313

APPELANT'S BRIEF ON APPEAL UNDER 37 CFR § 41.37

Sir:

This is an Appeal from a Final Office Action dated 8/3/2009. A Notice of Appeal from this Final Rejection was timely filed on February 3, 2010. Appellant submits herewith their Brief on Appeal as required by 37 C.F.R. § 41.37 along with the appropriate governmental fees. The commissioner is hereby authorized to charge deposit account number 50-5267 to cover any required fee for filing Appellant's brief including the fee required under 37 C.F.R. 41.20(b)(2) and any extension of time or credit any overpayment to the above account.

Table of Contents

I.	<u>REAL PARTY IN INTEREST</u>	4
II.	<u>RELATED APPEALS AND INTERFERENCES</u>	4
III.	<u>STATUS OF CLAIMS</u>	4
IV.	<u>STATUS OF AMENDMENTS</u>	4
V.	<u>SUMMARY OF THE CLAIMED SUBJECT MATTER</u>	4
	A.Concise explanation of the subject matter set forth in each independent claim	5
	1.A general discussion of the subject matter, described in the specification.....	5
	2. An explanation of the subject matter set forth in each independent claim	6
	a) <u>Independent claim 1</u>	6
	b) <u>Independent claim 2</u>	7
	c) <u>Independent claim 4</u>	8
	e) <u>Independent claim 10</u>	9
	f) <u>Independent claim 11</u>	10
	g) <u>Independent Claim 26</u>	10
	h) <u>Independent Claim 27</u>	11
	i) <u>Independent Claim 42</u>	12
	j) <u>Independent Claim 45</u>	13
VI.	<u>GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u>	14
VII.	<u>ARGUMENT</u>	15
	A.Claims 11-26 stand rejected under 35 USC §101	15
	B.Claims 11-42 and 45-46 stand rejected under 35 USC 112	17
	<u>Claims 26; 42</u>	18
	<u>Claims 27-41</u>	19
	<u>Claims 45-46</u>	19
	C.Claims 1-10, 43-44 and 47-53 stand rejected under 35 USC 103	19
	<u>Claims 2-3</u>	20
	<u>Claims 1; 43-44; 53</u>	25
	<u>Claims 4 – 9; 47-52</u>	27
	<u>Claim 10</u>	28
	D. <u>Claims 11-42 and 45-46 stand rejected under 35 USC §103</u>	28
	<u>Claims 11-25; 27-41</u>	29

<u>Claims 26 and 42</u>	31
<u>Claims 45-46</u>	31
VIII. <u>CONCLUSION</u>.....	33

I. REAL PARTY IN INTEREST

The real party in interest is the inventor, Tyler T. Parham.

II. RELATED APPEALS AND INTERFERENCES

The inventor, the real party in interest and his legal representative are not aware of any related appeals or interferences that would be affected by the outcome of this appeal.

III. STATUS OF CLAIMS

All claims 1-53 stand rejected. Each of claims 1 – 53 is being appealed.

IV. STATUS OF AMENDMENTS

An Amendment under 37 CFR 1.116 was filed 2/3/2010 amending the rejected claims in accordance with discussions held during a preceding interview. That Amendment was refused entry on the grounds that the Amendment raises issues that would require further consideration and or search. An Affidavit under 1.132 for commercial success was also refused entry on the grounds that it was untimely and/or insufficient.

A subsequent Amendment filed 8/31/2010 to address the Section 112 issues is currently being considered by the Patent Office but has not been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The following explains the subject matter set forth in each claim argued by way of example embodiments in the specification by page and line number, and the drawings, if any, by reference character only to satisfy 37 CFR 41.37(c)(1)(v). This concise explanation relies on example embodiments from the specification to describe the claims; however, the claims recite subject matter not limited to these example embodiments. Independent claims 1, 2, 4, 10, 11, 26, 27, 42, 45 are argued.

A. Concise explanation of the subject matter set forth in each independent claim

1. A general discussion of the subject matter, described in the specification to assist the Board in understanding example embodiments described in the present application

FIG. 1 illustrates gaming device network 10 in which the present invention can be implemented.

In FIG 1, all gaming devices 104, 104A, 104B are connected via communication link 124. Overhead display 106 is visible, and speaker 110 is audible to all gaming device players. Once a player bets the proper wager and initiates a primary game play on any eligible gaming devices 104, 104A, 104B, the player becomes eligible to win at least one discernible indicia e.g., (fixed or progressive prize award) in a secondary game.

When a player playing eligible gaming device 104 receives a predetermined primary game outcome, that player and other players playing eligible gaming devices 104A, 104B are provided with at least one opportunity (for a random or predetermined number of game plays, predetermined number of predetermined primary game play outcomes, time frames, or any combination of, etc) to increase 1X and win at least one prize award displayed in a secondary game by receiving another predetermined primary game outcome through primary game play.

After a first eligible gaming device receives a predetermined primary game outcome and before the secondary bonus game is started, a secondary bonus game indication cycle is triggered for a predetermined duration (e.g. 30 seconds) before the secondary bonus game is started. At this point, the other players / gaming devices become aware of the secondary bonus indication cycle via display 106 and/or speaker

Page 6

110. Specifically, all of the additional gaming devices are now aware that gaming device 104 has qualified for the secondary bonus game.

Since all players qualifying for the secondary bonus game are guaranteed bonus awards, the other players immediately begin to attempt to qualify for the secondary type game during the predetermined duration of the indication cycle. The other players can qualify by also hitting a predetermined outcome in primary games running on their respective gaming devices to qualify for the secondary bonus game.

By presenting a limited time cycle to qualify after the first player is qualified, a “rush” is created among other players on gaming device 104A, 104B to quickly play through their primary games in order to qualify for the secondary game before the limited available window of opportunity provided by secondary bonus indication cycle is gone.

In this example, after additional players qualify for the secondary bonus game and the limited duration has expired, the secondary bonus game is started. Upon conclusion of the secondary game indication cycle, the secondary type game is initiated and the payout award is awarded to every gaming device qualified to participate in the secondary type game.

2. An explanation of the subject matter set forth in each independent claim argued separately referring to the specification and or the drawings by reference characters in accordance with 37 C.F.R. 41.37(c)(1)(v)

a) Independent claim 1

Independent claim 1 recites “a method for enabling multiple networked gaming devices to participate in a secondary game.” See FIG. 1 and page 7, line 18 through page 10, line 3 of the filed specification.

Claim 1 also recites providing a first gaming device for initiating a primary game; qualifying the first gaming device to participate in a secondary game by

Page 7

using a predetermined primary game outcome.” See blocks 201 and 203 of FIG. 2, and page 8, lines 10 through 24 of the filed specification.

Claim 1 further recites “qualifying additional gaming devices to participate in the secondary game by using predetermined primary game outcomes, wherein the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device.” See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 1 also recites “for each additional gaming device that is qualified, increasing a payout award of the secondary game by a value.” See block 209 of FIG. 2, and page 9, line 16 through line 66 of the filed specification.

Claim 1 further recites “initiating the secondary game and awarding, to every gaming device qualified to participate in the secondary game, the payout award of the secondary game.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

b) Independent claim 2

Claim 2 recites in “a gaming network having a plurality of gaming devices, a method of involving multiple players and their gaming devices in a secondary type game.” See FIG. 1 showing a gaming network and page 7, line 18 through page 10, line 3 of the filed specification.

Claim 2 further recites “initiating a primary type game by using a first gaming device” and “qualifying the first gaming device to participate in a secondary type game.” See blocks 201 and 203 of FIG. 2, and page 8, lines 10 through 24 of the filed specification.

Claim 2 also recites “triggering a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication

Page 8

cycle is capable of running for a predetermined duration.” See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 2 further recites “qualifying, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game.” See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 2 also recites “upon conclusion of said secondary game indication cycle, initiating the secondary type game.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

Claim 2 further recites “awarding, to every gaming device qualified to participate in the secondary type game, one or more payout awards.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

c) Independent claim 4

Claim 4 recites a “method for enabling multiple networked gaming devices to participate in a secondary game.” See FIG. 1 and page 7, line 18 through page 10, line 3 of the filed specification.

Claim 4 also recites “providing a first gaming device that qualifies for a secondary game.” See blocks 201 and 203 of FIG. 2, and page 8, lines 10 through 24 of the filed specification.

Claim 4 further recites “providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game.” See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 4 further recites “qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle.” See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Page 9

Claim 4 also recites “initiating the secondary game and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

e) Independent claim 10

Claim 10 recites a system for allowing multiple networked gaming device system to participate in a secondary game. See FIG. 1 and page 7, line 18 through page 10, line 3 of the filed specification.

Claim 10 further recites that the system comprises “a first gaming device capable of qualifying for a secondary game.” FIG. 1, gaming device 104. See blocks 201 and 203 of FIG. 2, and page 8, lines 10 through 24 of the filed specification.

Claim 10 also recites “a controller for providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game.” FIG. 1, main controller 100. See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 10 further recites “one or more additional gaming devices qualified to participate in the secondary game before expiration of said secondary game indication cycle. FIG. 1, gaming device 104A, gaming device 104B. See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 10 also recites “wherein said controller increases the secondary game payout award for each qualified gaming device, and wherein the controller initiates the secondary game and awards the secondary game payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game.” Page 6, line 11 of the filed specification.

Page 10

f) Independent claim 11

Claim 11 recites a method “allowing a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game.” See page 6, lines 11 to 18; line 24; line 31 of the filed specification. See FIG. 1 and page 7, line 27 through page 10, line 3 of the filed specification.

Claim 11 further recites “qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game. See block 203 of FIG. 2, page 8, lines 15 through 19, page 6, lines 24-30 of the filed specification.

Claim 11 also recites “triggering a secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein the secondary game indication cycle is capable of running for a duration.” See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 11 further recites “qualifying, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game.” See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 11 also recites “upon conclusion of the secondary game indication cycle, providing the multiplayer secondary bonus game” and “awarding, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

g) Independent Claim 26

Claim 26 recites a method comprising allowing a plurality of players to become eligible to qualify to win an award in a multiplayer secondary game. See page 6, lines 11 to 18; line 24; line 31 of the filed specification. See FIG. 1 and page 7, line 27 through page 10, line 3 of the filed specification.

Page 11

Claim 26 further recites qualifying the first eligible player to be eligible to win an award in the multiplayer secondary bonus game based upon the first eligible player playing the primary game. See block 203 of FIG. 2, page 8, lines 15 through 19, page 6, lines 24-30 of the filed specification.

Claim 26 also recites triggering a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration. See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 26 further recites qualifying, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the primary game. See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 26 also recites upon conclusion of the secondary game indication cycle, initiating the secondary game; and Claim 26 further recites awarding, to each eligible player that qualified to win an award in the secondary game, at least one award. See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

h) Independent Claim 27

Claim 27 recites an apparatus comprising one or more processors; and logic encoded in one or more tangible media for execution by the one or more processors and when executed operable to: allow a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game. See FIG. 1, Main Controller 100, Machine 104; See page 6, lines 11 to 18; line 24; line 31 of the filed specification. See FIG. 1 and page 7, line 27 through page 10, line 3 of the filed specification.

Claim 27 further recites that the executed logic is operable to qualify a first eligible player in the plurality of players to participate in the multiplayer secondary

Page 12

bonus game based upon the first eligible player playing the primary game. See block 203 of FIG. 2, page 8, lines 15 through 19, page 6, lines 24-30 of the filed specification.

Claim 27 further recites that the executed logic is operable to trigger a secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein the secondary game indication cycle is capable of running for a duration. See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 27 further recites that the executed logic is operable to qualify, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game. See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 27 further recites that the executed logic is operable to, upon conclusion of the secondary game indication cycle, provide the multiplayer secondary bonus game; and award, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award. See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

i) Independent Claim 42

Claim 42 recites an apparatus with “one or more processors; and logic encoded in one or more tangible media for execution by the one or more processors and when executed operable to: allow a plurality of players to become eligible to qualify to win an award in a multiplayer secondary game.” See FIG. 1 and page 7, line 27 through page 10, line 3 of the filed specification.

Claim 42 further recites that the executed logic is operable to “qualify the first eligible player to be eligible to win an award in the multiplayer secondary bonus game based upon the first eligible player playing the primary game.” See block 203 of FIG. 2, page 8, lines 15 through 19, page 6, lines 24-30 of the filed specification.

Page 13

Claim 42 further recites that the executed logic is operable to “trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration.” See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 42 further recites that the executed logic is operable to “qualify, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the primary game.” See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 42 further recites that the executed logic is operable to “upon conclusion of the secondary game indication cycle, initiate the secondary game; and award, to each eligible player that qualified to win an award in the secondary game, at least one award.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

j) Independent Claim 45

Claim 45 recites an “apparatus comprising: one or more processors; and logic encoded in one or more tangible media for execution by the one or more processors and when executed operable to: qualify the first gaming device to participate in a secondary type game upon playing a primary game.” See FIG. 1; and page 7, line 18 through page 10, line 3 of the filed specification.

Claim 45 further recites that said logic is operable to “trigger a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration.” See block 205 of FIG. 2, and page 8, lines 25 through page 9, line 16 of the filed specification.

Claim 45 also recites that the logic is operable to “qualify, during said predetermined duration of said secondary game indication cycle, additional gaming

Page 14

devices to participate in the secondary type game.” See block 207 of FIG. 2, and page 8, line 25 through page 9, line 16 of the filed specification.

Claim 45 also recites that the logic is operable to “upon conclusion of said secondary game indication cycle, initiate the secondary type game.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

Claim 45 also recites that the logic is operable to “award, to every gaming device qualified to participate in the secondary type game, one or more payout awards.” See blocks 211 and 213 of FIG. 2, and page 9, line 27 through page 10, line 3 of the filed specification.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Rejection of claims 11-26 under 35 USC §101 for being directed to non-statutory subject matter.

Rejection of claims 11-42 and 45-46 under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

Rejection of claims 1-10, 43-44 and 47-53 under 35 USC §103 as being obvious over U.S. Publication No. US20030119581 (Cannon) in view of U.S. Patent No. 6,358,149 (Schneider).

Rejection of claims 11-42 and 45-46 under 35 USC §103 as being obvious over U.S. Publication US20030119581 (Cannon) in view of U.S. Patent No. 6,358,149 (Schneider) and further in view of U.S. Publication No. US20020142855 (Kerr).

Page 15

VII. ARGUMENT

A. Claims 11-26 stand rejected under 35 USC §101 for being directed to non-statutory subject matter.

The Patent Office rejected claims 11-26 as being directed to non-statutory subject matter because the claimed limitations are not tied to a particular machine or device to implement the claimed methods. Appellant disagrees.

Whether a method claim constitutes patent-eligible subject matter was recently clarified by the Federal Circuit in In re Bilski, 545 F.3d 943 (Fed. Cir. 2008) (en banc), petition for cert. granted, 77 USLW 3442 (U.S. Jan. 28, 2009) (No. 08-964).

According to the en banc court, under the machine-or-transformation test: “A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” Id. at 954 (citations omitted). The court further said that “use of a specific machine or transformation of an article must impose meaningful limits on the claim’s scope to impart patent-eligibility” and “the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity.” Id. at 961- 62 (citations omitted).

In the instant case, a review of the rejected claims 11 and 26 shows that these claims are indeed tied to particular machines and are thus patent-eligible under 35 USC § 101. Specifically, claims 11 and 26 are tied to casino gaming devices forming a multiplayer network.

First, claim 11 repeatedly and positively recites features tied to such networked gaming devices. Claim 11 recites a method comprising allowing players to qualify for a multiplayer secondary bonus game. Claim 11 further recites qualifying a first eligible player to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game. Claim 11 also recites triggering a

Page 16

secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein this secondary game indication cycle runs for a duration of time. Claim 11 also recites that players qualify for the secondary bonus game during the duration of time, and upon conclusion of the secondary game indication cycle, awards are provided to all players of the multiplayer secondary bonus game.

Here, the multiplayer secondary bonus game and the primary game occur on networked gaming devices. The secondary game indication cycle and the payout awards also occur on networked gaming devices, all of which enable multiple players on the networked gaming devices to participate in the multiplayer secondary bonus game.

Moreover, the word “players” in claim 11 refer to individuals using the networked gaming devices because the multiplayer secondary bonus game cannot be played solely by a human being devoid from machine. As such, claim 11 is surely tied to particular devices namely networked gaming devices and thus satisfies Bilski.

That the networked gaming devices are not “merely insignificant extra-solution activity” is also clear because the networked gaming machines perform a major function of performing the claimed steps to enable multiple players to participate in the multiplayer secondary bonus game.

In any event, the steps of allowing, triggering, qualifying, providing and awarding are not mental steps that can be performed without the networked gaming devices. For at least, the above reasons Appellant asserts that claim 11 recites patent eligible subject matter and the Patent Office rejection of this claim should be reversed.

The same arguments are applicable to claim 26 and Appellant respectfully requests that the rejection of claim 26 under 35 USC 101 be reversed.

Page 17

B. Claims 11-42 and 45-46 stand rejected under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

Claims 11-25

The Patent Office rejected claim 11 because there is insufficient antecedent basis for “the primary game.” Appellant asserts that claim 11 as recited particularly points out and distinctly claims the subject matter which Appellant regards as the invention.

A claim is indefinite when it contains words or phrases whose meaning is unclear. The lack of clarity could arise where a claim refers to "said lever" or "the lever," where the claim contains no earlier recitation or limitation of a lever and where it would be unclear as to what element the limitation was making reference. ... Obviously, however, the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. >Energizer Holdings Inc. v. Int'l Trade Comm'n, 435 F.3d 1366, 77 USPQ2d 1625 (Fed. Cir. 2006) (holding that "anode gel" provided by implication the antecedent basis for "zinc anode"); < Ex parte Porter, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992) ("controlled stream of fluid" provided reasonable antecedent basis for "the controlled fluid"). See MPEP 2173.05(e).

In the instant case, claim 11 first recites “allowing a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game.” Claim 11 next recites “qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game.”

Appellant asserts that claim 11 is not indefinite as the meaning of “the primary game” is clear. It is further clear as to what element this limitation refers to such that the term, “the primary game” is reasonably ascertainable to those skilled in the art. Specifically, one of ordinary skill in the casino gaming field is aware that secondary

Page 18

bonus games are typically preceded by primary games and that the term “the primary game” simply refers to “a primary game” that is played before the secondary bonus game can occur.

In any event, insufficient basis errors are easily correctable and Appellant is willing to amend claims 11 -26 if the Patent Office so stipulates. Appellant therefore respectfully requests that the Board reverse the Section 112 rejection of claim 11 and its dependent claims thereof.

Claims 26; 42

Claims 26 and 42 were rejected under section 112 because the term “the first eligible player” lacked insufficient antecedent basis.

Claim 26 first recites “allowing a plurality of players to become eligible to qualify to win an award in a multiplayer secondary game.” Claim 26 subsequently recites “qualifying the first eligible player to be eligible to win an award in the multiplayer secondary bonus game based upon the first eligible player playing the primary game.”

Appellant asserts that the term, “the first eligible player” is not indefinite as it is reasonably ascertainable to those skilled in the art. Specifically, one of ordinary skill in the casino gaming field would be aware that “the first eligible player” simply refers to the first player allowed to become eligible to win an award in the earlier recited step of “allowing a plurality of players to become eligible to win an award in a multiplayer secondary game.” Similarly, English grammar leads to the same conclusion. When the step of “allowing a plurality of players to become eligible to win an award in a multiplayer secondary game” is followed by the step of “qualifying the first eligible player,” by implication, the term “the first eligible player” is the first player to become eligible among those allowed to become eligible to win an award.

The above arguments are similarly applicable to claim 42.

Page 19

Claims 27-41

Claim 27 was rejected under Section 112 because there is insufficient antecedent basis for the limitation “the secondary game indication cycle.” Claim 27 has no antecedent basis error relating to “the secondary game indication cycle.” Appellant therefore respectfully requests that the Board reverse the Section 112 rejection of claims 27-41.

Claims 45-46

Claim 45 was rejected because there is insufficient antecedent basis for “the first gaming device.” Appellant asserts that the meaning of “the first gaming device” is that it refers to a first gaming device.

Claim 46 was rejected but no reason was given for the rejection. Reversal of the Section 112 rejection of claims 11-42 and 45-46 is respectfully requested.

C. Claims 1-10, 43-44 and 47-53 stand rejected under 35 USC §103 as being obvious over U.S. Publication No. US20030119581 (Cannon) in view of U.S. Patent No. 6,358,149 (Schneider)

The claims are grouped as follows:

1. Claims 2-3
2. Claims 1; 43-44; 53
3. Claims 4-9; 47-52
4. Claim 10

Page 20

Claims 2-3

Claims 2-3 were rejected by the Patent Office under 35 U.S.C. § 103 as being rendered obvious by Cannon in view of Schneider.

Internal inconsistencies by the Patent Office: Regarding claim 2, the Patent Office says that Schneider teaches the limitation of “triggering a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration.¹” In the same breath, the Patent Office contradicts itself stating that Schneider does not teach the limitation.² Such internal inconsistencies demonstrate that Patent Office cannot credibly assert that this limitation is taught or suggested by the asserted references.

Nonetheless, if Schneider is alleged to disclose the claimed limitation of “triggering a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration,” Appellant asserts that Schneider does not remedy the deficiencies of Cannon. Specifically, Appellant asserts that Schneider does not teach or suggest the limitation of triggering a secondary game indication cycle much less triggering a secondary game indication cycle to run before the secondary type game, wherein said secondary game indication cycle can run for a predetermined duration.

Appellant draws the Board’s attention first to Schneider’s title called “Dynamic threshold for pool-based bonus promotions in electronic gaming systems.” Next, the Board’s attention is directed to the Schneider Abstract. Play of the primary game occurs on a plurality of gaming machines tied to a bonus pool. The bonus pool is incremented as more gaming machines play. Those gaming machines playing max wager, etc. are detected and are considered eligible for bonus awards.

¹ See Page 6 of Oct. 3, 2009 Office Action

² See Page 17 of Oct. 3, 2009 Office Action

Page 21

However, the bonus awards are only paid during the bonus period. This bonus period is triggered when the bonus pool satisfies a first threshold value typically a total dollar amount. The first threshold dollar value is low if few eligible players are playing and high if many eligible players are detected. Once the bonus period is triggered, bonus awards are then paid to eligible machines during the bonus period. The bonus period would end when the total amount of the bonus pool drops below a second threshold value. Thus, Schneider uses a dynamic threshold to enable bonus periods to occur when only a few players are on the gaming machines as well as when the number of players is high.³

Accordingly, Appellant asserts that at best, Schneider teaches “triggering a bonus period controlled by a dynamic threshold, wherein no bonus period indication cycle runs before the bonus period as opposed to “triggering a secondary game indication cycle to run before the secondary type game [i.e. bonus period], wherein said secondary game indication cycle can run for a predetermined duration as recited in claim 2.

In response to arguments, the Patent Office then asserts that it is the initial portion of the Schneider bonus period namely step 108 before step 115 of fig. 5 teaches or suggests the claimed limitation of triggering a secondary indication bonus cycle.⁴ Appellant disagrees.

The Patent Office attempts to fit a square peg in a round hold by asserting the Schneider’s bonus period has both a bonus period indication cycle and a subsequent bonus period. As implied by its name, a secondary bonus indication cycle is an indication cycle that indicates that the secondary bonus game is about to begin. As such, this indication cycles runs (for a predetermined duration) before the start of the secondary bonus game.

³ Schneider, Col. 2, line 10.

⁴ See Page 34, para. 25 of Oct. 3, 2009 Office Action

Page 22

Appellant further asserts that Schneider individually or in combination with Cannon does not teach “qualifying, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game” as recited in claim 2.

Here, players attempt to qualify for the secondary type game during said predetermined duration of the indication cycle. By presenting a limited time cycle to qualify after the first player is qualified, a “rush” is created among players to continue playing the primary game if the players are already playing or to join the primary game in order to qualify for the secondary game before the limited available opportunity provided by secondary bonus indication cycle is gone.⁵

Even assuming for argument sake that there is a predetermined duration in which players can qualify, Schneider nevertheless does not qualify additional players during said predetermined duration; rather Schneider uses eligibility to award bonuses to the players. Such eligibility criteria are discussed in Schneider column 7, lines 50-65 cited by the Patent Office.

Appellant further asserts that Schneider does not teach or suggest “upon conclusion of said secondary game indication cycle, initiating the secondary type game” as recited in claim 2. The Patent Office cites the following portion of Schneider as disclosing the claimed limitation:

Any games abandoned while in the linked bonus mode will “time out” after a reasonable time has elapsed at the conclusion of a bonus period. The time out will cause the bonus to be paid and the machine to revert to the normal, non bonus-operating mode. Schneider, col. 10, lines 1-5.

Appellant cannot determine the relevance of the above-cited portion to “upon conclusion of said secondary game indication cycle, initiating the secondary type game” as recited in claim 2.

⁵ See page 8, line 25 of Appellant’s filed specification.

Page 23

Appellant further asserts that the Patent Office's articulated reason for combining Cannon and Schneider in order to arrive at the claimed subject matter is insufficient to support an obviousness conclusion.

In KSR, the Supreme Court opined that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art...it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." KSR, 127 S.Ct. at 1741. The Supreme Court also stated that "it will be necessary for a court to look to interrelated teachings of multiple patents...in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be make explicit." KSR, 127 S.Ct. at 1740-1741, citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006).

"[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." In re Oetiker, 977 F.2d 1443, 1445 (Fed. Cir. 1992). The concept of *prima facie* unpatentability is a procedural mechanism, which requires the examiner to produce evidence sufficient to support a ruling of unpatentability in the first instance. See In re Piasecki, 745 F.2d 1468, 1472 (Fed. Cir. 1984). "If examination at the initial stage does not produce a *prima facie* case of unpatentability, the without more the applicant is entitled to grant of a patent." In re Oetiker, 977 F.2d at 1445.

In the instant case, the Patent Office stated that:

it would have been obvious to one of ordinary skill in the art at the time the invention [sic] to modify Cannon's invention by incorporating Schneider's teaching of utilizing [sic] bonus period that allow[sic] eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link and a bonusing system [sic] has a demonstrable effect on game

Page 24

payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4) [sic]. [See Schneider col. 2, lines 52-57]⁶

According to Schneider, one advantage of its bonusing system is that it “has a demonstrable effect on game payback percentage, regardless of rate of play across the bank of games, to encourage play and increase enjoyment⁷. ” Here, the Patent Office simply piggybacks on this apparent Schneider advantage and concludes that it would have been obvious to one skilled in the art to modify Cannon by using Schneider “to encourage play and increase enjoyment” without any factual basis or reasoning to support its conclusion as to how or why play would be encouraged and enjoyment increased.

A fallacy in the Patent Office’s conclusion is the assumption that simply because Schneider’s features can encourage play and increase enjoyment, that play would be encouraged and enjoyment increased by combining Cannon and Schneider. If anything, Appellant asserts that the opposite is true. Cannon teaches competitive game play, “where qualification for play of a bonus game is linked to play of a base game.”⁸ Schneider discloses a bonus period that cannot begin until the threshold level for the bonus pool is met.

Combining Cannon and Schneider would mean that a Cannon player that ordinarily qualifies for a bonus game by receiving an outcome in the primary game and competes against other players in the bonus game, could not play that bonus game until the threshold is met. Similarly, if the bonus pool dollar amount were to drop below the threshold level during the bonus game, the bonus period would end, detracting from the ability for players to play in the bonus game against one another, remain competitive and enjoy the game. Thus, combining the two references can reduce game enjoyment and discourage play of future games. Appellant therefore asserts that the Patent Office has not met its burden of presenting *prima facie* evidence of unpatentability.

⁶ See Page 6 of October 3, 2009 Office Action

⁷ Schneider col. 2, lines 52-57

Page 25

Even assuming arguendo that Schneider is properly combinable with Cannon, the combination would not teach or suggest claim 2, as neither Cannon nor Schneider, individually or in combination teach the limitations discussed above.

For at least the above reasons, Appellant asserts the claim 2 is patentable over Cannon and Schneider. Due at least to the dependence of claim 3 on claim 2, Appellant asserts that Claim 3 is also patentable over the cited references.

The Board is therefore respectfully requested to reverse the rejection by the Patent Office of claims 2-3 under 35 USC § 103.

Claims 1; 43-44; 53

Claims 1, 43-44 and 53 were rejected by the Patent Office as being rendered obvious under 35 U.S.C. § 103 by Cannon in view of Schneider

The Patent Office says that Cannon in view of Schneider discloses all of the claimed subject matter. Specifically, the Patent Office states that although not disclosed by Cannon, Schneider teaches the limitation “wherein the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device (Figs. 5-6, col. 7, lines 50-65 and col. 8, lines 4-17).”⁹

Appellant asserts Schneider does not remedy the deficiencies of Cannon. Specifically, Appellant asserts that Schneider does not teach or suggest that “additional gaming devices are qualified during a designated duration after said first gaming device is qualified” as recited in claim 1.

Appellant again draws the Board’s attention to FIG. 5 and claim 1 of Schneider. At step 100 of FIG. 5, primary game play occurs on a plurality of gaming machines (see also claim 1 of Schneider). A gaming machine becomes eligible (not

Page 26

qualify) for a bonus award upon completion of the primary game with maximum coins wagered¹⁰. However, only when the total bonus-pool dollar amount (step 106) exceeds a 1st threshold value can the bonus period 108 begin. All eligible machines are then paid during the bonus period.

Therefore, assuming arguendo that eligible and qualify are equivalent¹¹, Appellant asserts that at best, the Schneider gaming devices including the first gaming device become eligible for bonus awards during an undefined duration before the bonus period as opposed to “additional gaming devices being qualified during a designated duration after said first gaming device is qualified” as recited in claim 1. In summary, this limitation requires (1) that the gaming devices be additional to the first gaming device; (2) that the additional gaming devices qualify within a designated duration; and (3) that the designated duration be after said first gaming device is qualified.

As discussed with reference to claims 2-3 above, Appellant further asserts that the Patent Office’s articulated reason for combining Cannon and Schneider in order to arrive at the claimed subject matter is insufficient to support an obviousness conclusion.

Even assuming arguendo that Schneider and Cannon are properly combinable, the references individually or in combination do not disclose claim 1 as the limitation of “wherein the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device” is not taught by the references.

¹⁰ Col. 7, line 25 of Schneider

¹¹ The Office Action implies that eligibility and qualification are the same; when in fact they are different as further discussed with reference to claim 11 below.

Page 27

For at least the above reasons, Appellant asserts the claim 1 is patentable over Cannon and Schneider; the Board is therefore respectfully requested to reverse the rejection of claims 1, 43-44 and 53 by the Patent Office.

Claims 4 – 9; 47-52

Claims 4-9; 47-52 were rejected by the Patent Office under 35 U.S.C. § 103 as being rendered obvious by Cannon in view of Schneider.

The Patent Office asserts that Cannon in view of Schneider discloses all of the claimed subject matter. Specifically, the Patent Office asserts that although not disclosed by Cannon, Schneider teaches the limitation of “providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game.”

Appellant asserts that Schneider does not remedy the deficiencies of Cannon. In addition to the arguments earlier presented, Appellant asserts that Schneider does not teach or suggest “providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game.”

The Patent Office cites FIGS. 5 and 8, col. 7, lines 8-12 as disclosing this limitation. FIG. 5 shows a flow chart of Schneider’s bonusing system but does not show a secondary game indication cycle or a secondary bonus game indication cycle indicative that the first gaming device has qualified for the secondary game.” This bonusing system flowchart shows a “Start Bonus Period” 108, which is not an indication cycle; neither is it indicative that the first gaming device has qualified for a secondary game. Rather, “Start Bonus Period” 108 is indicative that the bonus pool value has reached the first threshold value and not indicative that the first gaming device has qualified for the secondary bonus game as required by claim 4.

Appellant also asserts that Schneider does not teach “qualifying additional gaming devices to participate in the secondary game before expiration of said secondary

Page 28

game indication cycle” also discussed with reference to claim 1. It remains unclear how the cited Schneider, Col. 7, lines 50 -65, which discusses eligibility criteria can disclose the claimed limitation.

For at least the above reasons, Appellant asserts that claims 4-9 are patentable over the Cannon individually or in combination with Schneider, and Appellant requests that the Board reverse the rejection of claims 4-9.

Claim 10

Claim 10 was rejected by the Patent Office under 35 U.S.C. § 103 as being rendered obvious by Cannon in view of Schneider.

Appellant asserts that Cannon does not teach or suggest “wherein said controller increases the secondary game payout award for each qualified gaming device.” The Patent Office cites paragraphs 0058-0061 as teaching the claimed limitation. Appellant disagrees as there is no teaching of increasing a payout award for each qualified gaming device in the cited paragraphs.

Appellant also asserts that the above arguments regarding claims 1-9 are also applicable. For at least the above reasons, Appellant asserts that claim 10 is patentable over Cannon individually or in combination with Schneider, and Appellant requests that the Board reverse the rejection of claim 10.

D. Claims 11-42 and 45-46 stand rejected under 35 USC §103 as being obvious over US Publication US20030119581 (Cannon) in view of US Patent No. 6,358,149 (Schneider) and further in view of U.S. Publication No. US20020142844 (Kerr)

The claims are grouped as follows:

1. Claims 11-25; 27-41
2. Claims 26; 42

Page 29

3. Claims 45-46

Claims 11-25; 27-41

Claims 11-25 and 27-41 were rejected by the Patent Office under 35 U.S.C. § 103 as being rendered obvious by Cannon in view of Schneider and further in view of Kerr.

Regarding claim 11, the Patent Office asserts that Cannon in view of Schneider and further in view of Kerr discloses all of the claimed subject matter.

Specifically, the Patent Office asserts¹² that paragraph 0048 of the primary reference Cannon discloses a method of “allowing a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game; qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game” as recited in claim 11.

Appellant asserts that Cannon does not teach or suggest “allowing a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game” as in claim 11. Claim 11 contemplates a two-step process. First, players become eligible; only thereafter, can players qualify to participate in the multiplayer secondary bonus game. Thus, the step of becoming eligible to qualify is separate from the step of qualifying.

Paragraph 0048 of Cannon states in pertinent part that: “the player of the base game at one of gaming machines G₁, G₂, ...G_n qualifies for the bonus game by achieving a specific outcome....” in contrast to “allowing a plurality of players to become eligible to qualify” as in claim 11. Here, the Patent Office is simply conflating qualification and eligibility, which are different concepts. As an example, eligibility can

¹² See Page 15, Para. 19 of October 3, 2009 Office Action

Page 30

be established by playing max wager, rate of play etc. on the base game while qualification requires receiving a predetermined indicia during play of the base game.

Appellant also asserts that the subsequent limitation of “qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game,” is also not taught or suggested by Cannon. Since Cannon does not teach or disclose allowing players to become eligible to qualify, it cannot disclose “qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game” as in claim 11.

Appellant asserts that Schneider does not remedy the deficiencies of Cannon for the same reasons presented with reference to claim 2 above.

Nor does Kerr remedy the deficiencies of Cannon and Schneider. Contrary to the Patent Office’s position, Kerr does not teach or suggest “triggering a secondary game indication cycle to run before the multiplayer secondary bonus game” as Kerr does not have a multiplayer secondary bonus game.

Appellant further asserts that the Patent Office’s articulated reason for combining Cannon and Schneider in view of Kerr to arrive at the claimed subject matter is insufficient to support an obviousness conclusion. Kerr is no secondary bonusing system but is rather directed to a biometric broadband gaming system that employs fingerprinting and the like for identifying players online. Yet, the Patent Office asserts that it is obvious to one of ordinary skill in the art to combine these disparate references “in order to avoid overload, and to produce a reliable security by providing [sic] limited time [sic] joining [sic] a particular game.” It is clear that impermissible hindsight was used to read the claimed limitations onto the references.

Here again, the Patent Office reaches an obviousness conclusion without any factual basis or reasoning. Simply because overload avoidance in Kerr is beneficial does not make it applicable or beneficial for the combined invention. In fact, in a sense

Page 31

Appellant's invention seeks "overload," that is, seeks to attract an infinite number of game players to the extent that sufficient gaming machines are available. In this context, overload is no issue because there are a given number of gaming machines for playing the primary game and joining the secondary bonus game.

Even assuming arguendo that Kerr is properly combinable with Cannon in view of Schneider, Appellant asserts that the combination would not teach or suggest claim 11, as Cannon, Schneider and Kerr individually or in combination does not teach the limitations discussed above.

Claims 26 and 42

Claims 26 and 42 were rejected by the Patent Office under 35 U.S.C. § 103 as being rendered obvious by Cannon in view of Schneider and further in view of Kerr.

Appellant asserts that Kerr does not remedy the deficiencies of Cannon in view of Schneider, and that the arguments of claim 11 above are applicable.

Appellant also asserts that Cannon does not teach or suggest "allowing a plurality of players to become eligible to qualify to win an award in a multiplayer secondary game" and "qualifying the first eligible player to be eligible to win an award in the multiplayer secondary bonus game" as recited in claims 26 and 42.

Claims 45-46

Claims 45-46 were rejected by the Patent Office under 35 U.S.C. § 103 as being rendered obvious by Cannon in view of Schneider and further in view of Kerr.

Appellant asserts that Kerr does not remedy the deficiencies of Cannon in view of Schneider, and that the arguments of claim 2 above are applicable.

Appellant further asserts that the Patent Office's articulated reason for combining Cannon and Schneider in view of Kerr to arrive at the claimed subject matter

Page 32

is insufficient to support an obviousness conclusion as discussed with reference to claim 11 above.

Even assuming arguendo that Kerr is properly combinable with Cannon in view of Schneider, Appellant asserts that the combination would not teach or suggest claim 45, as Cannon, Schneider and Kerr individually or in combination does not teach all of the limitations of claim 45.

VIII. CONCLUSION

Appellant respectfully requests the Board to reverse the Patent Office's rejection of claims 1-53.

The commissioner is authorize to deduct the requisite fee, pursuant to 37 CFR § 1.17(c) from deposit account 50-5267 and any additional fees associated with this Brief.

s/Fidel D. Nwamu/

Fidel D. Nwamu
Reg. No. 46,294

September 1, 2010

NWAMU, P.C.
PATENT AND TRADEMARK LAW
360 Grand Ave, #109
Oakland, CA 94610
Ph: (510) 400-8890
Email: Info@Nwamu.com

Claims Appendix

1. A method for enabling multiple networked gaming devices to participate in a secondary game, the method comprising:
 - providing a first gaming device for initiating a primary game;
 - qualifying the first gaming device to participate in a secondary game by using a predetermined primary game outcome;
 - qualifying additional gaming devices to participate in the secondary game by using predetermined primary game outcomes,
 - wherein the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device;
 - for each additional gaming device that is qualified, increasing a payout award of the secondary game by a value; and
 - initiating the secondary game and awarding, to every gaming device qualified to participate in the secondary game, the payout award of the secondary game.

2. In a gaming network having a plurality of gaming devices, a method of involving multiple players and their gaming devices in a secondary type game, the method comprising:
 - initiating a primary type game by using a first gaming device;
 - qualifying the first gaming device to participate in a secondary type game;
 - triggering a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration;
 - qualifying, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game; and

Page 35

upon conclusion of said secondary game indication cycle, initiating the secondary type game; and

awarding, to every gaming device qualified to participate in the secondary type game, one or more payout awards.

3. The method of claim 2 wherein after each additional gaming device is qualified, the method further comprises increasing the secondary payout award by a designated multiple.

4. A method for enabling multiple networked gaming devices to participate in a secondary game, the method comprising:

providing a first gaming device that qualifies for a secondary game;

providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game;

qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle; and

initiating the secondary game and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game.

5. The method of claim 4 further comprising increasing the payout award for each additional device that qualifies for the secondary game.

6. The method of claim 4 further comprising qualifying the first gaming device additional times to participate in the secondary game during pendency of the secondary game indication cycle.

Page 36

7. The method of claim 4 wherein the secondary game indication cycle expires after a designated duration.

8. The method of claim 4 wherein the secondary game indication cycle expires after a predetermined number of primary game plays after qualification of the first gaming device.

9. The method of claim 4 wherein the secondary game indication cycle expires after a predetermined number of predetermined primary game outcomes after qualification of the first gaming device.

10. A system for allowing multiple networked gaming device system to participate in a secondary game, the system comprising:

a first gaming device capable of qualifying for a secondary game;

a controller for providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game; and

one or more additional gaming devices qualified to participate in the secondary game before expiration of said secondary game indication cycle,

wherein said controller increases the secondary game payout award for each qualified gaming device, and wherein the controller initiates the secondary game and awards the secondary game payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game.

11. A method comprising:

allowing a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game;

Page 37

qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game;

triggering a secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein the secondary game indication cycle is capable of running for a duration;

qualifying, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game;

upon conclusion of the secondary game indication cycle, providing the multiplayer secondary bonus game; and

awarding, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award.

12. The method of claim 11, wherein awarding comprises:
displaying a plurality of awards;
randomly selecting at least one displayed award; and
awarding the at least one displayed award to every eligible player that qualified to participate in the multiplayer secondary bonus game.

13. The method of claim 11, wherein awarding comprises awarding the at least one award to eligible gaming devices associated with every eligible player that qualified to participate in the multiplayer secondary bonus game.

14. The method of claim 11, wherein eligibility for the first player and/or the additional players is determined based on at least one event and participating in the primary game, wherein eligibility allows the first eligible player and the additional eligible players to qualify for the multiplayer secondary bonus game.

15. The method of claim 14, wherein the at least one event includes a proper wager, a max wager, an insertion of a player card, and/or a separate wager bet.

16. The method of claim 11, wherein qualifying for the multiplayer secondary bonus game is determined based on the first eligible player or the additional eligible players receiving at least one predetermined indicia in the primary game.

17. The method of claim 11, wherein once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined duration.

18. The method of claim 11, wherein once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined number of primary game plays.

19. The method of claim 11, wherein the duration includes a predetermined number of primary game plays, a predetermined number of predetermined primary game play outcomes, and/or a predetermined number of time frames.

20. The method of claim 11, wherein the at least one award is fixed or progressive.

21. The method of claim 11, wherein first eligible player or the additional eligible players are allowed to qualify for the multiplayer secondary bonus game a plurality of times.

22. The method of claim 11, wherein the duration is predetermined or randomly determined.

23. The method of claim 11, further comprising increasing the at least one award of the secondary game by a value for each additional eligible player that is qualified.

24. The method of claim 11, further comprising initiating the primary game using a first gaming device.

25. The method of claim 11, wherein the at least one award comprises at least one randomly selected award.

26. A method comprising:

allowing a plurality of players to become eligible to qualify to win an award in a multiplayer secondary game;

qualifying the first eligible player to be eligible to win an award in the multiplayer secondary bonus game based upon the first eligible player playing the primary game;

triggering a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration;

qualifying, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the primary game;

upon conclusion of the secondary game indication cycle, initiating the secondary game; and

awarding, to each eligible player that qualified to win an award in the secondary game, at least one award.

Page 40

27. An apparatus comprising:
 - one or more processors; and
 - logic encoded in one or more tangible media for execution by the one or more processors and when executed operable to:
 - allow a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game;
 - qualify a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game;
 - trigger a secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein the secondary game indication cycle is capable of running for a duration;
 - qualify, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game;
 - upon conclusion of the secondary game indication cycle, provide the multiplayer secondary bonus game; and
 - award, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award.

28. The apparatus of claim 27, wherein logic operable to award further comprises logic operable to:
 - display a plurality of awards;
 - randomly select at least one displayed award; and
 - award the at least one displayed award to every eligible player that qualified to participate in the multiplayer secondary bonus game.

Page 41

29. The apparatus of claim 27, wherein logic operable to award comprises logic operable to award the at least one award to eligible gaming devices associated with every eligible player that qualified to participate in the multiplayer secondary bonus game.

30. The apparatus of claim 27, wherein eligibility for the first player and/or the additional players is determined based on at least one event and participating in the primary game, wherein eligibility allows the first eligible player and the additional eligible players to qualify for the multiplayer secondary bonus game.

31. The method of claim 30, wherein the at least one event includes a proper wager, a max wager, an insertion of a player card, and/or a separate wager bet.

32. The apparatus of claim 27, wherein logic operable to qualify for the multiplayer secondary bonus game is determined based on the first eligible player or the additional eligible players receiving at least one predetermined indicia in the primary game.

33. The apparatus of claim 27, wherein once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined duration.

34. The apparatus of claim 27, wherein once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined number of primary game plays.

35. The apparatus of claim 27, wherein the duration includes a predetermined number of primary game plays, a predetermined number of predetermined primary game play outcomes, and/or a predetermined number of time frames.

36. The apparatus of claim 27, wherein the at least one award is fixed or progressive.

37. The apparatus of claim 27, wherein first eligible player or the additional eligible players are allowed to qualify for the multiplayer secondary bonus game a plurality of times.

38. The apparatus of claim 27, wherein the duration is predetermined or randomly determined.

39. The apparatus of claim 27, wherein the logic is further operable to increase the at least one award of the secondary game by a value for each additional eligible player that is qualified.

40. The apparatus of claim 27, wherein the logic is further operable to initiate the primary game using a first gaming device.

41. The apparatus of claim 27, wherein the at least one award comprises at least one randomly selected award.

42. An apparatus comprising:
one or more processors; and
logic encoded in one or more tangible media for execution by the
one or more processors and when executed operable to:
allow a plurality of players to become eligible to qualify to win an award
in a multiplayer secondary game;

Page 43

qualify the first eligible player to be eligible to win an award in the multiplayer secondary bonus game based upon the first eligible player playing the primary game;

trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration;

qualify, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the primary game;

upon conclusion of the secondary game indication cycle, initiate the secondary game; and

award, to each eligible player that qualified to win an award in the secondary game, at least one award.

43. An apparatus for enabling multiple networked gaming devices to participate in a secondary game comprising:

one or more processors; and

logic encoded in one or more tangible media for execution by the one or more processors and when executed operable to:

qualify a first gaming device to participate in a secondary game by using a predetermined primary game outcome in a primary game;

qualify additional gaming devices to participate in the secondary game by using predetermined primary game outcomes, wherein the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device;

for each additional gaming device that is qualified, increase a payout award of the secondary game by a value; and

Page 44

initiate the secondary game and award, to every gaming device qualified to participate in the secondary game, the payout award of the secondary game.

44. The apparatus of claim 43, wherein logic operable to increase the payout award comprises logic operable to increase the payout award by a multiple of a number of qualifications associated with additional gaming devices in the secondary game.

45. An apparatus comprising:
one or more processors; and
logic encoded in one or more tangible media for execution by the one or more processors and when executed operable to:
qualify the first gaming device to participate in a secondary type game upon playing a primary game;
trigger a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration;
qualify, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game;
upon conclusion of said secondary game indication cycle, initiate the secondary type game; and
award, to every gaming device qualified to participate in the secondary type game, one or more payout awards.

46. The apparatus of claim 45, wherein after each additional gaming device is qualified, the logic is further operable to increase the secondary payout award by a designated multiple.

Page 45

47. An apparatus comprising:
one or more processors; and
logic encoded in one or more tangible media for execution by the
one or more processors and when executed operable to:
provide a secondary game indication cycle indicative that a first gaming
device has qualified for a secondary game;
qualify additional gaming devices to participate in the secondary game
before expiration of said secondary game indication cycle; and
initiate the secondary game and awarding a payout award to all qualified
gaming devices including the first gaming device and the additional devices qualified to
participate in the secondary game.

48. The apparatus of claim 47, wherein the logic is further operable to
increase the payout award for each additional device that qualifies for the secondary
game.

49. The apparatus of claim 47, wherein the logic is further operable to
qualify the first gaming device additional times to participate in the secondary game
during pendency of the secondary game indication cycle.

50. The apparatus of claim 47, wherein the secondary game
indication cycle expires after a designated duration.

51. The apparatus of claim 47, wherein the secondary game indication
cycle expires after a predetermined number of primary game plays after qualification of
the first gaming device.

Page 46

52. The apparatus of claim 47, wherein the secondary game indication cycle expires after a predetermined number of predetermined primary game outcomes after qualification of the first gaming device.

53. The method of claim 1, wherein increasing the payout award comprises increasing the payout award by a multiple of a number of qualifications associated with additional gaming devices in the secondary game.